

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

Plaintiff

v

CAUSE NO.: SA-22-CR-304-XR

SEAN AARON SMITH

Defendant

FACTUAL BASIS FOR GUILTY PLEA

Had this case proceeded to trial, the United States was prepared to prove the following facts through the use of witnesses, expert witnesses, exhibits, and documents the following beyond a reasonable doubt:

1. The Defendant, Sean Aaron Smith had the following felony convictions at the time he committed the instant offenses: 2014 burglary habitation and 2018 felon in possession. Smith served 18 months, from September 25, 2014, to May 9, 2016, in the Texas Department of Criminal Justice prison for the crime of burglary habitation. Smith served almost 14 months in the Texas Department of Criminal Justice prison, September 6, 2018, to November 5, 2019, for the crime of felon in possession.

2. **Count One, 18 U.S.C. § 922(g)**

That on or about May 13, 2022, in the Western District of Texas, Defendant, **SEAN AARON SMITH**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit: polymer80, Inc. PFC9; serial number CA15357; and said firearm had been shipped and transported in interstate

and foreign commerce in violation of Title 18, United States Code, Section 922(g)(1).

3. On May 13, 2022, Texas Rangers, Texas DPS, San Antonio police, and San Antonio Fire Arson investigators made high-risk traffic stop of the Defendant in San Antonio. The Defendant Smith barricaded himself in the vehicle while manipulating a backpack. Once Smith exited the vehicle and was taken into custody, the backpack was sitting open on the floorboard directly in front of where Smith was seated. A brick of marijuana was next to the backpack and a handgun was on the floorboard next to the front bracket of Smith's seat. The handgun was a polymer80, Inc. PFC9; serial number CA15357, manufactured in Dayton, New York.

4. **Count Two, 18 U.S.C. § 922(g)**

That on or about May 15, 2022, in the Western District of Texas, Defendant **SEAN AARON SMITH**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit: Sig Sauer pistol, serial number 66B430849, and an AK-47 GP/WASR-10/63, serial number 1968B11180; and said firearms had each been shipped and transported in interstate and foreign commerce in violation of Title 18, United States Code, Section 922(g)(1).

5. On May 15, 2022, a State search warrant was obtained and the search conducted at Smith and his girlfriend's known address at an apartment in San Antonio; this apartment was leased by another individual (hereinafter "leasing individual") who had been allowing the defendant and his girlfriend to live in the living room for approximately one and a half months. The leasing individual stated that both Smith and his girlfriend kept all their stuff in the living area, and a locked closet near the front door that only Smith had access to. A Sig Sauer pistol, serial number 66B430849, manufactured in Newington, New Hampshire, and an AK-47 GP/WASR-

10/63, serial number 1968B11180, manufactured in Romania and imported by CAI out of Georgia, Vermont, were found in the living room where Smith and his girlfriend both stayed and slept in.

Respectfully submitted,

JAIME ESPARZA
United States Attorney

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August 2023, a true and correct copy of the foregoing instrument was hand-delivered to the following CM/ECF participant:

Marina Douenat

/s/

MARK T. ROOMBERG
Assistant United States Attorney